

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.2630 OF 2015
IN
FIRST APPEAL (STAMP) NO.31473 OF 2014
WITH
FIRST APPEAL (STAMP) NO.31473 OF 2014**

Ukarda Bawa Bamania ...Applicant
Versus
Haji Yusuf Diwan and Ors. ...Respondents

.....

Ms Sherrie Rebello I/b. Ms Meenakshi Sakhare for the Applicant.
None for the Respondents.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 4th JUNE, 2019.

P.C.:-

The Applicant herein has sought to condone the delay of 30 days in filing the appeal. Notice of the application was duly served on the Respondents, despite which the Respondents have not appeared and have not contested the application.

2. Heard the learned counsel for the Applicant. I have perused the records.

3. Grounds raised in paragraph 2 of the application indicate

that the Applicant had received the certified copy on 11/8/2014 and immediately thereafter he had entrusted his brief to Advocate for filing the appeal. It is stated that the appeal was not filed due to the inadvertence on the part of the Advocate /his clerk. In my considered view the applicant cannot be penalised for the lapses on the part of his Advocate. For the reasons stated in paragraph 2 of the application, which in my considered view constitute sufficient grounds, the delay is condoned.

4. The appeal be registered. Upon registration of the appeal, notice be issued to the Respondents, returnable on **2/7/2019**.
5. The civil application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)